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In the Supreme Court of the United States

OCTOBER TERM, 1969.

No. 1295.

DANIEL L. KAYSER and LEIGHTON W. KAYSER,
Petitioners,

vs.

THE CLEVELAND CLINIC FOUNDATION,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO.

RESPONDENT'S BRIEF IN OPPOSITION.

THOMAS V. KOYKKA,
SMITH WARDER,
ARTER & HADDEN,
1144 Union Commerce Building,
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Counsel for Respondent.

March 18, 1970.

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—TEL. (216) 621-5647

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This is a personal injury action brought in state court under Ohio law.

The Court of Appeals of Cuyahoga County, Ohio, reversed judgment for plaintiffs on the ground "such judgments are against the manifest weight of the evidence both as to proximate cause and as to damages," and ordered the cause "remanded to the Court of Common Pleas [the trial court] for further proceedings" (Petition for Certiorari, p. 40). All three judges concurred.

The Supreme Court of Ohio found no question presented "of public or great general interest" (which under the Ohio Constitution, Article IV, Section 2(B)(2)(d), is

the basis for review in the Supreme Court of Ohio in cases such as this) and, therefore, overruled the motion seeking review (Petition, p. 40), thereby permitting the case to return to the Common Pleas Court for new trial.

The petition for a writ of certiorari, directed to the judgment of the Ohio Supreme Court refusing review, should be denied.

Respectfully submitted,

THOMAS V. KOYKKA,
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Counsel for Respondent.

March 18, 1970.